THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 34258 of 1997

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Dated 28.01.2006

Between:

P.Janardhan Reddy, S/o. Subba Reddy,
Co-optex Regional Office, Secunderabad.

..... PETITIONER

AND

Manager (Designs & Productions), The Tamilnadu Handloom Weavers coop., Society Ltd.,Regional Office,10-2-357, Nehrunagar, Marredpally, Secunderabad-26 & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.34258 OF 1997

O R D E R:

The relief sought for in this writ petition is for a Writ of Mandamus declaring the proceedings of the fourth respondent dated 11.07.1997, suspending the petitioner from service, for the alleged financial loss caused to the society, as arbitrary and illegal. The fifth respondent passed the impugned order on 11.07.1997, which reads thus:

> "Pending framing of charges for huge financial loss to Co-Optex at printing Ware House, Hyderabad for the years 1993-94 and 1994-95 Sri P.Janardhana Reddy the then Production Supervisor, Regional

> Office, Hyderabadnow working under the control of Manager (D&P), Kancheepuram is placed under suspension with immediate effect until further orders.
>
> He is informed that he will be paid subsistence allowance for the period of suspension on production of non-employment and non-change of head quarters certificate for every month as per bye-laws of Society.
>
> He is also informed that his head quarters during suspension period will be at Kancheepuram and should not leave the head quarters without prior and written permission of Manager (D&P), Kancheepuram."

This order dated 11.07.1997, was revoked by order dated 24.05.2005, during the pendency of the writ petition and the petitioner was directed to be reinstated into service.

Sri M.V.Rajaram, learned counsel for the petitioner, would submit that pursuant thereto, the petitioner joined service on 30.06.2005.

Since the cause in the writ petition, which is the order of suspension, does not survive, the writ petition is liable to be dismissed. However, Sri M.V.Rajaram, would refer to the interim order of this Court dated 04.03.1998, wherein this Court while recording its *prima facie* conclusions that the order of suspension was passed against the petitioner by an incompetent authority, also took note of the fact that an advocate had been appointed as an enquiry officer and that this Court needs to be gone into details as to whether a private persons could be appointed as an enquiry officer. This Court, by order dated 04.03.1998, had directed that until further orders, the enquiry shall not be proceeded with into the matter.

Sri M.V.Rajaram, learned counsel for the petitioner, would contend that the very enquiry proceedings conducted by an advocate is without jurisdiction. Learned counsel would refer to several other infirmities in the manner in which the domestic enquiry was conducted. Learned counsel would urge this Court to examine all these aspects, more so, since this Court, had, by order dated 04.03.1998, held that the question as to whether a private persons could be appointed as an enquiry officer was required to be gone into.

Suffice to state that the interlocutory orders passed during the pendency

of the writ petition do not survive after the writ petition has itself been disposed of. The relief sought for in the writ petition is to declare the order of suspension as illegal and since it is admitted that the said order of suspension had been revoked and the petitioner has been reinstated into service, the cause in the writ petition no longer survives and the writ petition has become infructuous. Needless to state that this order shall not preclude the petitioner, if he so chooses, to challenge the action of the respondents in initiating disciplinary proceedings against him or the manner in which the disciplinary enquiry was conducted.

The writ petition is accordingly dismissed. There shall however be no order as to costs.

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28.01.2006

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